

REMARKS

Claims 1, 14, and 18 have been amended to clarify the subject matter regarded as the invention. Claims 19 and 20 are new. Claims 1 and 3-20 are pending.

The Examiner has rejected claim 18 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Interim Guidelines, page 52 indicate that “Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).” Claim 18 recites a computer program product comprising computer instructions embodied in a computer readable medium and is statutory as held in *In re Beauregard*, 53 F.3d 1583; 35 USPQ.2d 1383 (Fed. Cir. 1995).

The Examiner has rejected claims 1 and 3-18 under 35 U.S.C. 103(a) as being unpatentable over Hartmann in view of Kamo.

The rejection is respectfully traversed. With respect to claim 1, the Examiner has indicated that Hartmann does not teach the canonical packet format has a fixed length and is a generic format that can represent multiple protocol specific formats, but that Kamo teaches converting data from frame relay to ATM (fixed length) and from ATM to frame relay, and that because ATM is a fixed length protocol that allows multiple protocol packets to be exchanged, Kamo teaches this limitation. Claim 1 has been amended to recite “translating the packet from a first protocol-specific format to a canonical packet format comprising a fixed length generic packet format that can represent multiple protocol-specific formats, but is not the same as any one protocol-specific format.” Although Kamo teaches converting from frame relay to ATM, Kamo does not teach that the canonical packet format is the not the same as any one protocol-specific format. As such, neither Hartmann nor Kamo teaches “a canonical packet format comprising a fixed length generic packet format that can represent multiple protocol-specific formats, but is not the same as any one protocol-specific format.” Therefore, claim 1 is believed to be allowable.

Claims 3-13, 17, 19, and 20 depend from claim 1 and are believed to be allowable for the same reasons described above.

Claim 19 is believed to be allowable for the additional reason that neither Hartmann nor Kamo teaches that “the canonical packet format includes a shared field in which values from different fields specific to different protocols are placed,” as recited in claim 1. For example, in describing the generic packet format at Figure 10 and at 14:25-59, Hartmann describes placement of a source address field, a destination address field, a control field, a data field, and a CRC field, but does not describe how different fields specific to different protocols are placed. Kamo does not describe a canonical packet format that is not the same as any one protocol-specific format, where the canonical packet format includes a shared field in which values from different fields specific to different protocols are placed. Having such a shared field in which values from different fields specific to different protocols are placed allows for the canonical packet format to be packed more efficiently. Support for the amendment to claim 19 may be found, without limitation, in the above-captioned application at page 15, lines 13-19.

Claim 20 is believed to be allowable for the additional reason that neither Hartmann nor Kamo teaches that “the canonical packet format includes: a multiple protocol-specific field associated with a field common to multiple protocols; and a protocol specific-field comprising associated with a field that is specific to only one protocol,” as recited in claim 20. Support for claim 20 may be found, without limitation, in the above-captioned application at page 14, line 8 to page 15, line 8 and Figure 6.

Claim 14 recites a system for carrying out the method of claim 1. Therefore, it is believed that claim 14 is also allowable. Claims 15-16 depend from claim 14 and are believed to be allowable for the same reasons described above.

Claim 18 recites program code for carrying out the method of claim 1. Therefore, it is believed that claim 18 is also allowable.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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